

HOUSE BILL REPORT

HB 2794

As Reported by House Committee On:
Human Services

Title: An act relating to promoting accessible communities for persons with disabilities.

Brief Description: Promoting accessible communities for persons with disabilities.

Sponsors: Representatives Wallace, Chase, Sells, Williams, Green, Haigh, Santos and Simpson.

Brief History:

Committee Activity:

Human Services: 1/30/08, 1/31/08 [DPS].

Brief Summary of Substitute Bill

- Creates an Accessible Communities Trust Account (Account) to be administered by the Commissioner of the Employment Security Division.
- Establishes the Governor's Committee on Disability Issues and Employment to promote disability awareness.
- Allows counties to establish active Accessible Community Advisory Committees to promote accessible communities.
- Increases traffic infraction penalties for improper use of placards, license plates, or parking spots designated for persons with disabilities to fund the Account.
- Amends the requirements for Local Comprehensive Emergency Plans.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

Staff: Brian Considine (786-7290).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Governor's Committee on Disability Issues and Employment

The Governor's Committee on Disability Issues and Employment (Governor's Committee) was established by executive order in 1987. Members of the Governor's Committee are appointed by the Governor, and the members represent a wide variety of physical, mental or sensory disability characteristics.

The Governor's Committee is charged with identifying issues and concerns pertaining to the rights and needs of all persons of disability. The Governor's Committee advises the Governor, Legislature, state agencies, the business community, organized labor, public and private organizations, and the general public on disability issues and concerns. The Governor's Committee submits recommendations to these government and business entities to address those concerns, and its recommendations emphasize increasing opportunities for independence and employment.

Special Parking Privilege

The Department of Licensing is required to grant special parking privileges to any person that has a permanent or temporary disability that limits or impairs the ability to walk or involves acute sensitivity to light and meets one of the following criteria, as determined by a licensed physician or an advanced nurse practitioner:

- cannot walk further than 200 feet without stopping to rest;
- is severely limited in the ability to walk due to arthritic, neurological, or orthopedic condition;
- is so severely disabled that the person cannot walk without an assistive device;
- uses portable oxygen;
- is restricted by lung disease to a particular extent;
- is impaired by cardiovascular disease or cardiac condition to a particular extent;
- has a disability resulting from acute sensitivity to automobile emissions that impairs the ability to walk;
- is legally blind and has limited mobility; or
- has a form of porphyria to the extent that the applicant would significantly benefit from a decrease in exposure to light.

Once the special parking privilege is granted, the person can receive a disabled parking placard, license plate, or both.

Traffic Infraction Penalties

Any unauthorized use of a special parking permit, parking a vehicle in a space reserved for a person with a physical disability without a placard or special license plate, or making inaccessible the access aisle located next to a space reserved for a person with a physical disability is a \$250 traffic infraction.

County Advisory Committees

Under the state's election law, counties are required to have an advisory committee established to assist election officials in developing a plan to identify and implement changes to improve the accessibility of elections for voters with disabilities.

Local Comprehensive Emergency Plans (Plan)

Each county, city, and town must establish a local organization, or join a joint organization of local governments, for emergency management. Each local or joint organization is required to prepare a Local Comprehensive Emergency Plan that must be submitted to the Adjutant General for recommendations and verification of consistency with the State Comprehensive Emergency Management Plan.

Summary of Substitute Bill:

The Accessible Communities Account

The Accessible Communities Account (Account) is created in the custody of the State Treasurer. Appropriation is not required for expenditures from the Account, and only the Commissioner of the Employment Security Department (ESD) may authorize expenditures from the Account.

The ESD may make expenditures for: awareness and improved access for and acceptance of persons with disabilities; reimbursement for travel, reasonable accommodation, and meeting expenses for county Accessible Community Advisory Committees (Advisory Committee); establishing and maintaining an Accessible Communities Website; and a grant program to promote greater awareness of disability issues and access for persons with disabilities within the community.

Governor's Committee on Disability and Employment

A new section is created in the unemployment compensation chapter for the Governor's Committee on Disability and Employment (Governor's Committee). The new section allows the Governor's Committee to determine eligibility for grants given to Advisory Committees. The Governor's Committee can solicit and select proposals from active Advisory Committees for projects to improve disability awareness from the Account, and the Governor's Committee will establish an Accessible Communities Website.

Accessible Community Advisory Committees

The title of the county advisory committee established under the state's election law is changed to Advisory Committee. Counties that have already established an Advisory Committee under the state's election law are allowed to receive reimbursement from the Account to promote accessible communities. An Advisory Committee must be "active" to receive funding from the Account for promoting accessible communities. An Advisory Committee is active if it submits annual assurances to the Governor's Committee and its members are from a diverse range of disabilities who can identify attitudinal, programmatic, and physical barriers

encountered by persons with disabilities. Adjacent counties may form joint Advisory Committees so long as only one county has a population greater than 70,000.

Traffic Infraction Penalties

Penalties are raised from \$250 to \$350 for all traffic infractions relating to improper use of special parking permits or parking spaces, and the additional \$100 per penalty is deposited into the Account.

Local Comprehensive Emergency Plans

Every Local Comprehensive Emergency Plan (Plan) must identify and respond to the needs of persons with disabilities by the year 2010. The Plan must also document the participation of Advisory Committees or other local disability organizations in developing responses to the needs of persons with disabilities in an emergency situation.

Substitute Bill Compared to Original Bill:

The substitute bill lowers the penalty from \$450 to \$350 for traffic infractions relating to the improper use of special parking permits or parking spaces. The amount to be deposited into the Account from each penalty is lowered from \$200 to \$100 per penalty. A technical change is made to place the Account into the proper section in the code.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed, except section 7, relating to the Accessible Communities Account in the Treasurer's Trust Fund, which takes effect July 1, 2008.

Staff Summary of Public Testimony:

(In support) This legislation comes out of a constituent wanting the American Disabilities Act (ADA) to have more teeth to it. This bill brings about an ability to look at ways to create more awareness, better understanding, and implementation of the ADA. There are many situations where accessible communities are hindered because of the lack of enforcement or awareness of ADA regulations. Awareness about accessible communities is needed for public and private projects, stores, and public areas. People make a choice to park in a handicap space, and they understand the consequences of their actions because there are obvious handicap signs around every parking space. Also, products and services that are advertised need to inform people if it is known to be accessible. The year 1999 was the last time the Legislature looked at disabled parking laws, and while Seattle might have a lower rate of violations for disabled parking, Pierce County has at least three times the violators than Seattle. There have been several occasions in the Seattle area where people have parked in disabled parking access isles or spaces. One hotel in SeaTac wouldn't make disabled parking spaces available and had at least 30 different ADA violations. When the violations were brought up to the

hotel's management and corporate management, the managers said the violations would be fixed. However, many months later the hotel still hasn't fixed anything. Many hotel rooms are not accessible and people have to literally crawl around the room or bathroom because wheelchairs don't fit next to the beds, bathtubs, or toilet. The changes that have taken place have been slow, and with no accommodations or awareness of the need for accessible communities, it can cause dangerous situations and force someone to use the road instead of a sidewalk when trying to move in a wheelchair. There is a lot of frustration among people with disabilities because of the many barriers encountered in the community. Even though Washington has strong civil rights laws for people with disabilities, there is still not a sufficient avenue to address the barriers still in place. People with disabilities are not looking for a new opportunity to sue, but they want to organize and create partnerships and solutions to make communities more accessible. They want to open hearts and minds. This bill builds on work done in the arena of elections from a couple years ago. That work has been a successful system in giving counties information about the challenges faced by people with disabilities.

After the windstorm, many counties got together and pooled some of their homeland security funding to address vulnerable populations in disasters. However, not every county has the ability to tap into this resource, and some counties will struggle to accomplish the requirements under the Local Emergency Management Plan section. A suggestion would be to modify the language a little bit to use the work that many counties have already done and allow those counties to help out the poorer counties with their County Emergency Management Plan. There is willingness by the counties and the Emergency Management Division to assist on drafting language on this issue and some proposed language will be given to staff.

(Opposed) None.

Persons Testifying: Representative Wallace, prime sponsor; Skip Dreps, Northwest Chapter Paralyzed Veterans of America; Jesse Magana, Bev Peralta, and Shayne Margeson, Disability Resource Center; Toby Olson, Governor's Committee on Disability; David Lord, Disability Rights Washington; and Steve Bailey, Pierce County Department of Emergency Management.

Persons Signed In To Testify But Not Testifying: None.